

## (Majority Report.)

Committee Room,  
Austin, Texas, Aug. 23, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, the majority of your  
Committee on Senatorial Districts, to  
whom was referred S. B. No. 5,

Have had the same under con-  
sideration and beg leave to report  
same back to the Senate with the rec-  
ommendation that it do not pass.

FAIRCHILD, Chairman.

## (Minority Report.)

Committee Room,  
Austin, Texas, Aug. 23, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, the minority of your  
Committee on Senatorial Districts, to  
whom was referred S. B. No. 5,

Have had the same under con-  
sideration and beg leave to report  
the same back to the Senate with the  
recommendation that it do pass, and  
be not printed.

RICHARDS,  
DARWIN.

Committee Room,  
Austin, Texas, Aug. 23, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on Com-  
merce and Manufacturing, to whom  
was referred

S. B. No. 13, A bill to be entitled  
"An Act confirming and ratifying con-  
tract of date August 23rd, 1921, by  
and between the Board of Managers  
of the Texas State Railroad, created  
by Act of the Legislature of the  
State of Texas passed at the Regular  
Session of the Thirty-seventh Legis-  
lature and approved March 12, 1921,  
by the Governor of the State of Texas  
with the Texas & New Orleans Rail-  
road Company, a railway corporation  
chartered under the laws of the State  
of Texas and directing said Board of  
Managers of the Texas State Railroad  
when said contract shall have been  
approved by the Governor of the State  
of Texas and the Texas & New  
Orleans Railroad Company shall have  
secured such authority and approval  
of the Interstate Commerce Commis-  
sion as may be required by law for  
the execution of said contract," etc..

Have had the same under con-  
sideration, and I am instructed to

report the same back to the Senate  
with the recommendation that it do  
pass, and be not printed.

MURPHY, Chairman.

## (Floor Report.)

Senate Chamber,  
Austin, Texas, August 23, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, a majority of your Com-  
mittee on Educational Affairs, to  
whom was referred

S. B. No. 10, A bill to be entitled  
"An Act to provide for the accept-  
ance of the benefits of an Act passed  
by the Senate and House of Repre-  
sentatives of the United States of  
America in Congress assembled to  
provide for the promotion of voca-  
tional rehabilitation of persons dis-  
abled in industry or otherwise," etc.,

Have had same under considera-  
tion, and beg leave to report same  
back to the Senate with the recom-  
mendation that it do pass, and be not  
printed.

Witt, Chairman; Darwin, McMillin,  
Hertzberg, Richards, Burkett.

## (Floor Report.)

Senate Chamber,  
Austin, Texas, August 23, 1921.  
Hon. Lynch Davidson, President of  
the Senate.

Sir: We, your Committee on Rep-  
resentative Redistricting of the State,  
to whom was referred H. B. No. 1,

Have had the same under consid-  
eration, and beg leave to give floor  
report on said bill, and recommend  
that same do pass and be not printed.

Fairchild, Darwin, Richards, Bu-  
chanan, Davidson, Woods, Willis.

## THIRD DAY.

Senate Chamber,  
Austin, Texas,  
Wednesday, Aug. 24, 1921.

The Senate met at 10 o'clock a. m.,  
pursuant to adjournment, and was  
called to order by Lieutenant Gov-  
ernor Lynch Davidson.

The roll was called, a quorum be-  
ing present, the following Senators  
answering to their names:

Bailey.	Clark.
Baugh.	Cousins.
Bledsoe.	Darwin.
Buchanan.	Davidson.
Burkett.	Doyle.

Dudley.	Parr.
Fairchild.	Richards.
Floyd.	Suiter.
Hertzberg.	Watts.
Lewis.	Williams.
McMillin.	Wood.
Murphy.	Woods.
Page.	

Absent.

Carlock.	Rogers.
Dorough.	Willis.
Hall.	Witt.

Prayer by the Chaplain, Rev. S. H. Morgan.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Murphy.

#### Committee Reports.

See Appendix.

#### Bills and Resolutions.

##### Senate Concurrent Resolution No. 3.

Senator Woods sent up the following resolution:

Whereas, It is of great financial importance to the State that a fixed policy be established with reference to carrying fire insurance upon buildings and contents belonging to the State and its various institutions; and

Whereas, The insurance data and information tabulated and set out on page 261 of the First Annual Report of the State Board of Control indicate that a substantial saving can be made to the State in carrying its own insurance; therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring herein, That hereafter it shall be and is the fixed policy of this State that the State shall carry its own insurance upon State buildings and contents, and that no insurance policies shall be taken out upon any of the public buildings of this State, nor upon the contents thereof, and the State Board of Control and all other Boards having charge of buildings of the State, and the contents of such buildings, are hereby instructed not to have such buildings, nor property insured, notwithstanding there may be items in the appropriation bills authorizing the expenditure of money

for the payment of insurance premiums.

Provided that it is declared to be the policy of the State hereafter at the end of each two years period to set aside approximately one per cent of the value of all public buildings owned by the State, and a sinking fund until ten per cent of the total value of all such buildings has been accumulated, and that this sinking fund shall be invested in school bonds in the school districts of this State.

The resolution was read and on the motion of Senator Wood was laid on the table subject to call.

##### House Concurrent Resolution No. 1.

Being House Bill day the Chair laid before the Senate within the morning call,

##### H. C. R. No. 1.

Whereas, It is commonly believed that there exists, in what is generally known as the Mid-Continent Oil Fields, a deliberate purpose on the part of certain of the large oil corporations, which in so far as it affects the State of Texas, is in violation of both the letter and spirit of our Anti-Trust Laws, to so manipulate the market in this and other states comprising Mid-Continent fields, as to control not only the prices of the crude oil, but also the prices of the finished products of the refineries, especially as it applies to gasoline, for the purpose of putting out of business the independent refineries and independent brokers and dealers in gasoline and oils; and

Whereas, It is generally understood that in pursuance of this plan, the price of crude has been automatically lowered without reference to the intrinsic or market value thereof, or cost of production; that many of the large companies who handle the refinery products through the medium of their own filling stations, are paying more money for gasoline in tank car loads at the independent refineries than they sell it for to the gasoline stations, and are indulging in many methods of cutting, bonuses and special deductions, including deliveries to commercial trade at prices under the filling station discount, and the custom of certain big companies having filling stations of their own selling through

their filling stations at different prices to different customers making arbitrary and unnatural discriminations selling to some customers at cheaper than an independent station can buy, thereby attempting to put the independent stations out of business. The sole purpose of all of which is to destroy the independent refineries and the independent filling stations, which is not only a violation of the Anti-Trust Laws of this State, but is detrimental to the existence of one of the largest interests of the State of Texas; therefore be it

Resolved, by the House of Representatives of the State of Texas, the Senate concurring, That there be and is hereby appointed a joint committee to be composed of three members of the House, appointed by the Speaker of the House, and two members of the Senate, to be appointed by the Lieutenant Governor, with full authority to investigate such conditions, to take testimony in or out of the State of Texas, to subpoena witnesses, to administer oaths, and to require the production of books and records of every person, persons, association, joint stock companies or corporations, engaged in the production, manufacturing or sale of crude petroleum, or any of its products, and to have all the authority vested by the present statutes of the State of Texas in investigating committees appointed by and under the sanction of the Legislature.

That the Attorney General of the State of Texas, is required, either in person or through some deputy, to be designated by him, to represent the State of Texas in such investigation and the expense of such officer shall be paid out of the contingent expense fund of the House and Senate upon vouchers approved by the Chairman of this committee.

That said committee shall have the right to employ a competent stenographer to take the testimony of the witnesses upon such investigation, and to pay such stenographer out of the contingent expense fund of the House of Representatives and Senate; that witnesses summoned before such committee, shall be paid the mileage and per diem paid witnesses in the district court of this State, which said mileage and per diem shall be paid out of the contingent expense funds of the House and Senate upon vouchers approved by the

Chairman of the Joint committee provided for herein.

The resolution was read and on motion of Senator Woods was laid on the table subject to call.

#### Governor's Message.

Mr. Walthall, secretary to the Governor, presented himself at the bar of the Senate with the following Executive message:

Governor's Office,

Austin, Texas, August 24, 1921.

To the Members of the Texas Senate. Gentlemen:

I am transmitting herewith to you a letter just received from the Lieutenant Governor, who is also Chairman of the Board of Managers for the Texas State Railroad.

I herewith, at the request of the Lieutenant Governor and Chairman as aforesaid submit to you, for your consideration and legislative action, the subject matter contained in the communication attached hereto.

Yours sincerely,

PAT M. NEFF, Governor.

Lieutenant Governor's Office,

Austin, Texas, August 24, 1921.

Hon. Pat M. Neff, Governor,  
State of Texas,  
Austin, Texas.

My Dear Governor:

On yesterday the Board of Managers of the Texas State Railroad executed a contract with the Texas and New Orleans Railroad Company, which you approved when it was submitted to you.

This Board is acting under authority given it by the Legislature, in Senate Bill No. 267 of the Regular Session, Thirty-seventh Legislature, which requires that the Board shall regularly report to the Legislature. Therefore the ratification of the lease agreement by the Legislature is desired both by the Railroad Company and by the Board of Managers.

The Bill creating the Board of Managers was hurriedly drawn and passed during the last days of the Regular Session. It is inadequate and incomplete in several respects, and has some provisions that threatened its effectiveness. The Bill directs the Board to continue during the period in which convict labor is made available to it, to repair and rebuild and use the convict labor in maintaining the road. However, another clause which is

somewhat ambiguous, has been interpreted by the Attorney General's Department, to lapse all the funds to the credit of the Board, as soon as a contract has been made.

Hon. W. W. Caves of the Attorney General's Department is drawing a bill which is intended to cure the defects in the existing law, and to permit the Board to continue to function.

I beg therefore to request that you submit to the Legislature "the subject of legislation with respect to the Texas State Railroad, and providing for its disposition."

I trust that you will submit the subject early today in order that the necessary measure may be passed at the earliest possible time.

Very truly yours,

LYNCH DAVIDSON,  
Chairman of the Board.

#### House Bill No. 1.

Being House Bill day, the Chair laid before the Senate, within the morning call,

H. B. No. 1, A bill to be entitled "An Act to apportion the State of Texas into Representative Districts, and to fix the number of Representatives thereof, and to repeal all laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Senator Page moved to lay the bill on the table subject to call.

The motion prevailed.

#### Senate Bill No. 4.

The Chair laid before the Senate on the calendar,

S. B. No. 4, A bill to be entitled "An Act to amend Articles 24 and 25, Revised Civil Statutes of Texas, 1911, apportioning the State of Texas into Senatorial Districts; declaring what counties shall constitute each Senatorial District; providing for returns of elections; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Senator Dudley moved the adoption of the majority report that the bill do pass and be not printed.

Senator Richards moved as a substitute the adoption of the minority report that the bill do not pass.

Senator Dudley moved to table the motion of Senator Richards. The yeas and nays were demanded, and the

motion to table was lost by the following vote:

Yeas—8.

Baugh.	Cousins.
Bledsoe.	Davidson.
Buchanan.	Dudley.
Clark.	Williams.

Nays—15.

Burkett.	Parr.
Darwin.	Richards.
Doyle.	Suiter.
Fairchild.	Watts.
Floyd.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Murphy.	

Absent.

Carlock.	Page.
Dorough.	Willis.

(Pairs Recorded.)

Senator Bailey (present), who would vote "yea"; with Senator Hall (absent), who would vote "nay."

Senator Hertzberg (present), who would vote "yea"; with Senator Rogers (absent), who would vote "nay."

The question recurred on the minority report. The yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—14.

Darwin.	Parr.
Doyle.	Richards.
Fairchild.	Suiter.
Floyd.	Watts.
Lewis.	Witt.
McMillin.	Wood.
Murphy.	Woods.

Nays—9.

Baugh.	Davidson.
Bledsoe.	Dudley.
Buchanan.	Williams.
Clark.	Willis.
Cousins.	

Absent.

Burkett.	Dorough.
Carlock.	Page.

(Pairs Recorded.)

Senator Bailey (present), who would vote "nay"; with Senator

Hall (absent), who would vote "yea."

Senator Hertzberg (present), who would vote "nay"; with Senator Rogers (absent), who would vote "yea."

#### House Concurrent Resolution No. 1.

Senator Murphy called from the table,

H. C. R. No. 1, Providing for an investigation of the oil situation in Texas.

Senator Darwin made the point of order that the resolution was, by its committee report, ordered printed, and that the resolution had not been printed.

The Chair (Lieutenant Governor Davidson) overruled the point of order, holding that a concurrent resolution did not have to follow the course of a bill and be printed unless expressly ordered to be so printed.

Unanimous consent was granted Senator Page to send up and have read a letter in regard to this resolution.

(Senator Dudley in the chair.)

Senator Willis sent up the following amendment:

Amend the resolution by providing that the Oil & Gas Division of the Railroad Commission make the investigation instead of the joint committee of the House and Senate.

The amendment was read.

Senator Burkett moved to table the amendment. The yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—14.

Bailey.	Murphy.
Baugh.	Page.
Burkett.	Richards.
Doyle.	Suiter.
Dudley.	Watts.
Fairchild.	Williams.
Floyd.	Wood.

Nays—9.

Buchanan.	McMillin.
Clark.	Parr.
Darwin.	Willis.
Davidson.	Woods.
Lewis.	

Absent.

Bledsoe.	Cousins.
Carlock.	Dorough.

Hall.  
Hertzberg.

Rogers.  
Witt.

(Lieutenant Governor Davidson in the chair.)

The resolution was lost by the following vote:

Yeas—9.

Bailey.	Floyd.
Burkett.	Murphy.
Doyle.	Suiter.
Dudley.	Williams.
Fairchild.	

Nays—13.

Baugh.	Parr.
Buchanan.	Richards.
Clark.	Watts.
Darwin.	Willis.
Davidson.	Wood.
Lewis.	Woods.
McMillin.	

Absent.

Bledsoe.	Hall.
Carlock.	Rogers.
Cousins.	Witt.
Dorough.	

(Pair Recorded.)

Senator Page (present), who would vote "yea"; with Senator Hertzberg (absent), who would vote "nay."

(Reasons for Vote.)

I vote "nay" on H. C. R. No. 1 for the reason that this resolution provides for a committee to do the work that properly belongs to the Attorney General's Department, and if passed would be a reflection on the honesty and integrity of the Attorney General of Texas.

BUCHANAN.

#### Davis Mountain Committee.

The Chair announced the appointment of the following committee to investigate the Davis Mountains: Senators Bailey, Dudley, Wood, Fairchild, and Darwin.

#### Bill Introduced.

Unanimous consent was granted to send up,

By Senator Fairchild:

S. B. No. 14, A bill to be entitled "An Act to amend Chapter 26 of the

General Laws passed by the Regular Session of the Thirty-seventh Legislature, same being S. B. No. 267, approved March 12, 1921, entitled 'An Act creating a Board of Managers for the Texas Railroad,' etc., and declaring an emergency."

Read the first time and referred to Committee on Commerce and Manufacturing.

#### Senate Bill No. 11.

Unanimous consent was granted to take up,

S. B. No. 11, A bill to be entitled "An Act to appropriate the sum of Twenty Thousand (\$20,000.00) Dollars out of a special fund in the State Treasury derived from a tax of one and one-fourth (1¼) per cent on the gross fire insurance premiums; Twelve Thousand, Five Hundred (\$12,500.00) Dollars of such amount to be used by the State Fire Insurance Commission in printing ten thousand copies of the General Basis Schedules; and Seven Thousand, Five Hundred (\$7,500.00) Dollars of such amount to be used to supplement the amount appropriated by the First Salled Session of the Thirty-seventh Legislature covering the item of 'Traveling Expenses' for said department for the fiscal year ending August 31st, 1922, and for the fiscal year ending August 31st, 1923; and declaring an emergency."

The bill was read second time.

Senator McMillin moved to suspend the Senate rule requiring committee reports to lie over one day. The motion prevailed by the following vote:

#### Yeas—22.

Bailey.	Murphy.
Baugh.	Page.
Buchanan.	Parr.
Darwin.	Richards.
Davidson.	Suiter.
Doyle.	Watts.
Dudley.	Williams.
Fairchild.	Willis.
Hertzberg.	Witt.
Lewis.	Wood.
McMillin.	Woods.

#### Nays—3.

Burkett.	Floyd.
Clark.	

#### Absent.

Bledsoe.	Dorough.
Carlock.	Hall.
Cousins.	Rogers.

The committee report that the bill be not printed was adopted.

The bill was passed to engrossment.

On motion of Senator McMillin, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 11 put on its third reading and final passage by the following vote:

#### Yeas—23.

Bailey.	Murphy.
Baugh.	Page.
Buchanan.	Parr.
Darwin.	Richards.
Davidson.	Suiter.
Doyle.	Watts.
Dudley.	Williams.
Fairchild.	Willis.
Floyd.	Witt.
Hertzberg.	Wood.
Lewis.	Woods.
McMillin.	

#### Nays—2.

Burkett.	Clark.
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#### Absent.

Bledsoe.	Dorough.
Carlock.	Hall.
Cousins.	Rogers.

The bill was read third time and finally passed by the following vote:

#### Yeas—23.

Bailey.	Murphy.
Baugh.	Page.
Buchanan.	Parr.
Darwin.	Richards.
Davidson.	Suiter.
Doyle.	Watts.
Dudley.	Williams.
Fairchild.	Willis.
Hertzberg.	Witt.
Lewis.	Wood.
McMillin.	Woods.

#### Nays—1.

Clark.	Present—Not Voting.
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Burkett.	Absent.
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Bledsoe.	Floyd.
Carlock.	Hall.
Cousins.	Rogers.
Dorough.	

#### Senate Bill No. 6.

The Chair laid before the Senate on the Calendar,

S. B. No. 6, A bill to be entitled

"An Act amending Section 12 of Chapter 18 of the General Laws of the Regular Session of the 37th Legislature relative to the amount of the appropriation for the American Legion Memorial Sanatorium of Texas; and declaring an emergency."

The bill was read second time.

The committee report that the bill be not printed was adopted.

Senator Burkett sent up the following amendment:

Amend S. B. No. 6 by striking out all after the enacting clause and insert the following:

Section 3a. That Section 12 of Chapter 18, General Laws, passed at the Regular Session of the 37th Legislature, be amended so as to hereafter read as follows:

Section 12. The sum of one million, five hundred thousand (\$1,500,000) Dollars is hereby appropriated out of any funds in the Treasury of the State of Texas, not otherwise appropriated, to be used, first, to the discharge of all liens and encumbrances, and equip and put in operation the present sanatorium now located near Kerrville and mentioned in Section 1 of this Act, and then in constructing said additions, buildings, equipment and other necessities as provided for in Section 3 of this Act. The necessary traveling and other expenses of the Building Board herein provided for shall be paid out of said appropriation provided that only Seven Hundred and Fifty Thousand (\$750,000) Dollars of this appropriation shall be available prior to September 1, 1922, and Seven Hundred and Fifty Thousand (\$750,000.00) Dollars shall be available for the fiscal year beginning September 1, 1922, and ending August 31, 1923.

Section 2. The fact that there exists at this time a financial stringency and an urgent necessity to hold down the tax rate for the present year, and the further fact that this is a Special Session of the Legislature with a crowded calendar, creates an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days in each House, and said rule is hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was read.

Senator Baugh moved to table the amendment.

The yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—18.

Baugh.	Lewis.
Bledsoe.	McMillin.
Clark.	Page.
Cousins.	Parr.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Witt.
Floyd.	Wood.
Hertzberg.	Woods.

Nays—7.

Bailey.	Murphy.
Burkett.	Richards.
Dudley.	Willis.
Fairchild.	

Absent.

Buchanan.	Hall.
Carlock.	Rogers.
Dorough.	Williams.

Senator Burkett moved to lay the bill on the table subject to call.

The motion was tabled on the motion of Senator Baugh.

The bill was passed to engrossment.

On motion of Senator Baugh, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 6 was put on its third reading and final passage by the following vote:

Yeas—20.

Baugh.	Lewis.
Bledsoe.	McMillin.
Clark.	Page.
Cousins.	Parr.
Davidson.	Richards.
Doyle.	Suiter.
Dudley.	Watts.
Fairchild.	Witt.
Floyd.	Wood.
Hertzberg.	Woods.

Nays—4.

Bailey.	Murphy.
Burkett.	Willis.

Absent.

Buchanan.	Hall.
Carlock.	Rogers.
Darwin.	Williams.
Dorough.	

The bill was read third time.

Senator Burkett sent up the following amendment:

Amend S. B. No. 6 by striking out the enacting clause.

The amendment was read, and on the motion of Senator Baugh was tabled.

The bill was finally passed by the following vote:

**Yeas—20.**

Baugh.	Hertzberg.
Bledsoe.	Lewis.
Clark.	McMillin.
Cousins.	Page.
Darwin.	Richards.
Davidson.	Suiter.
Doyle.	Williams.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.

**Nays—6.**

Bailey	Parr.
Burkett.	Watts.
Murphy.	Willis.

**Absent.**

Buchanan.	Hall.
Carlock.	Rogers.
Dorough.	

**Senate Bill No. 14.**

Unanimous consent was granted to take up,

S. B. No. 14, A bill to be entitled "An Act to amend Chapter 26 of the General Laws passed by the Regular Session of the 37th Legislature, same being S. B. No. 267, approved March 12, 1921, entitled 'An Act creating a board of managers for the Texas State Railroad, providing for the appointment, prescribing the duties of its members; directing the Prison Commission to transfer possession of the Texas State Railroad and all its property to the board of managers herein created, authorizing the board of managers to sell or lease the Texas State Railroad, and providing for the disposition of the proceeds; authorizing said board, in the event it cannot sell said railroad, to continue to operate and to rehabilitate it, and making an appropriation therefor; providing for reports by said board; repealing all laws and parts of laws in conflict herewith; and declaring an emergency," by adding thereto two other sections to be known and numbered as Section 3a and Section 7a so as to provide for the making of any

other contracts or agreements with respect to the Texas State Railroad as in the judgment of the board of managers may be to the best interest of said railroad, the people and interests to be served thereby, and the State; providing for applying certain proceeds arising on account of said railroad to the payment of certain expenses incurred on account of said railroad and to the payment of interest and principal of certain bonds of said railroad owned by the Permanent School Fund of this State; and declaring an emergency."

On motion of Senator Fairchild the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 14 put on its

second reading by the following vote:

**Yeas—26.**

Bailey	Lewis.
Baugh.	McMillin.
Bledsoe.	Murphy.
Burkett.	Page.
Clark.	Parr.
Cousins.	Richards.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Williams.
Dudley.	Willis.
Fairchild.	Witt.
Floyd.	Wood.
Hertzberg.	Woods.

**Absent.**

Buchanan.	Hall.
Carlock.	Rogers.
Dorough.	

The bill was read second time.

The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted.

The bill was passed to engrossment.

On motion of Senator Fairchild, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 14 was put on its third reading and final passage by the following vote:

**Yeas—26.**

Bailey	Clark.
Baugh.	Cousins.
Bledsoe.	Darwin.
Burkett.	Davidson.



Doyle.	Parr.
Dudley.	Richards.
Fairchild.	Suiter.
Floyd.	Watts.
Hertzberg.	Williams.
Lewis.	Willis.
McMillin.	Witt.
Murphy.	Wood.
Page.	Woods.

Absent.

Buchanan.	Hall.
Carlock.	Rogers.
Dorough.	

The bill was read third time and finally passed by the following vote:

Yeas—23.

Bledsoe.	McMillin.
Burkett.	Murphy.
Clark.	Page.
Cousins.	Parr.
Darwin.	Richards.
Davidson.	Suiter.
Doyle.	Williams.
Dudley.	Willis.
Fairchild.	Witt.
Floyd.	Wood.
Hertzberg.	Woods.
Lewis.	

Absent.

Bailey	Dorough.
Baugh.	Hall.
Buchanan.	Rogers.
Carlock.	Watts.

**Senate Bill No. 9.**

Senator Cousins moved to suspend the regular order and take up S. B. No. 9.

The motion prevailed by the following vote:

Yeas—15.

Clark.	Page.
Cousins.	Parr.
Davidson.	Williams.
Doyle.	Willis.
Hertzberg.	Witt.
Lewis.	Wood.
McMillin.	Woods.
Murphy.	

Nays—7.

Bailey	Floyd.
Burkett.	Richards.
Darwin.	Suiter.
Dudley.	

Absent.

Baugh.	Fairchild.
Bledsoe.	Hall.
Buchanan.	Rogers.
Carlock.	Watts.
Dorough.	

**Recess.**

On motion of Senator Burkett, the Senate, at 12 o'clock noon, recessed until 2:30 o'clock this afternoon.

**Wednesday Afternoon.**

The Senate was called to order at 2:30 o'clock p. m., pursuant to recess.

(Lieutenant Governor Davidson in the chair.)

**Message from the House.**

Mr. Phinney, Chief Clerk of the House, presented himself at the bar of the Senate with the following message:

Hall of the House of Representatives,  
Austin, Texas, August 24, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 13, A bill to be entitled "An Act confirming and ratifying contract of date August 23, 1921 by and between the Board of Managers of the Texas State Railroad, created by Act of the Legislature of the State of Texas passed at the Regular Session of the Thirty-seventh Legislature, approved March 12, 1921, by the Governor of the State of Texas, with the Texas and New Orleans Railroad Co.

Respectfully submitted,

C. L. PHINNEY,

Chief Clerk House of Representatives.

**Senate Bill No. 9.**

The Chair laid before the Senate, as pending business,

S. B. No. 9, A bill to be entitled "An Act to appropriate out of the General Revenue not heretofore appropriated the sum of \$20,000, or so much thereof as may be necessary for the remainder of the fiscal year ending August 31, 1922, and the further sum of \$20,000, or so much thereof as may be necessary, for the fiscal year ending August 31, 1923,

to defray the expenses of the Department of the State Health Officer of the State of Texas in Intensive Rural Health Work and Rural Sanitation leading to the prevention and eradication of malaria, hookworm, typhoid fever and other contagious or infectious diseases in the State of Texas; authorizing the State Health Officer to supplement therefrom an amount equal to an amount appropriated or set aside by any county or city or town therein, for such purposes; also authorizing the State Health Officer to accept donations from any source to supplement such fund or funds; and declaring an emergency."

The bill was read second time.

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report was adopted.

Senator Cousins sent up the following amendment:

Amend S. B. No. 9, page 1, Section 1, line 12, by striking out all of Section 1 after the figures 1923 in line 12 and insert instead thereof the following:

To be expended as follows:

Bureau of Rural Sanitation.

	For the years ending	
	Aug 31, 1922	Aug. 31, 1923
Director, one-half salary..	\$1,500.00	\$1,500.00
Stenographer, Clerk, one-half salary .	900.00	900.00
Traveling expenses. . . .	400.00	400.00
Contingent supplies and incidentals. . .	400.00	400.00
Five established County Health Departments . .	10,000.00	10,000.00
Two new County Health Departments. . .	5,000.00	5,000.00

The amendment was read.

Senator Bailey moved to indefinitely postpone the bill and pending amendment.

Senator Cousins moved to table the motion of Senator Bailey. The yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—10.

Bledsoe.	Murphy.
Cousins.	Watts.
Davidson.	Williams.
Fairchild.	Wood.
Hertzberg.	Woods.

Nays—10.

Bailey	Dudley.
Buchanan.	Lewis.
Burkett.	McMillin.
Darwin.	Richards.
Doyle.	Suiter.

Absent.

Baugh.	Hall.
Carlock.	Page.
Clark.	Rogers.
Dorough.	Witt.
Floyd.	

(Pairs Recorded.)

Senator Parr (present), who would vote "nay"; with Senator Willis (absent), who would vote "yea."

The question recurred on the motion to indefinitely postpone. The yeas and nays were demanded and the motion was lost by the following vote:

Yeas—9.

Bailey	Lewis.
Burkett.	McMillin.
Darwin.	Richards.
Doyle.	Suiter.
Dudley.	

Nays—13.

Bledsoe.	Page.
Cousins.	Watts.
Davidson.	Williams.
Fairchild.	Witt.
Floyd.	Wood.
Hertzberg.	Woods.
Murphy.	

Present—Not Voting.

Buchanan.

Absent.

Baugh.	Dorough.
Carlock.	Hall.
Clark.	Rogers.

(Pair Recorded.)

Senator Parr (present), who would vote "yea"; with Senator Willis (absent), who would vote "nay."

The amendment was adopted.

Senator Cousins sent up the following amendment:

Amend the caption of S. B. No. 9 by striking out all the letters and figures \$20,000.00 (twenty thousand dollars) where they appear in the caption and insert instead thereof the figures and letters \$18,200.00 (eighteen thousand two hundred dollars).

The amendment was read and adopted.

Senator Cousins sent up the following amendment:

Amend S. B. No. 9 by striking out the letters and figures \$20,000.00 (twenty thousand dollars) wherever they appear and inserting instead thereof the letters and figures \$18,200.00 (eighteen thousand two hundred dollars).

The amendment was read and adopted.

The bill was passed to engrossment by the following vote:

Yeas—14.

Bledsoe.	Murphy.
Clark.	Page.
Cousins.	Watts.
Davidson.	Williams.
Fairchild.	Witt.
Floyd.	Wood.
Hertzberg.	Woods.

Nays—9.

Bailey.	Lewis.
Burkett.	McMillin.
Darwin.	Richards.
Doyle.	Suiter.
Dudley.	

Present—Not Voting.

Buchanan.

Absent.

Baugh.	Hall.
Carlock.	Rogers.
Dorough.	

(Pair Recorded.)

Senator Parr (present), who would vote "nay"; with Senator Willis (absent), who would vote "yea."

The motion of Senator Cousins that the constitutional rule requiring bills to be read on three several days be suspended and S. B. No. 9 be put on its third reading and final passage failed by the following vote:

Yeas—15.

Bledsoe.	Murphy.
Buchanan.	Page.
Clark.	Watts.
Cousins.	Williams.
Davidson.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

Nays—9.

Bailey.	Lewis.
Burkett.	McMillin.
Darwin.	Richards.
Doyle.	Suiter.
Dudley.	

Absent.

Baugh.	Hall.
Carlock.	Rogers.
Dorough.	

(Pair Recorded.)

Senator Parr (present), who would vote "nay"; with Senator Willis (absent), who would vote "yea."

House Bill No. 1.

Senator Floyd called up from the table,

H. B. No. 1, A bill to be entitled "An Act to apportion the State of Texas into Representative Districts and to fix the number of Representatives thereof, and to repeal all laws in conflict herewith, and declaring an emergency."

The bill had been read.

Senator Floyd sent up the following amendment:

Amend H. B. No. 1 as follows:

Amend District No. 2 so as to read as follows: The Second District, composed of the counties of Cass and Marion and shall elect one Representative.

Amend District No. 3 so as to read as follows: The Third District, composed of the counties of Titus and Morris and shall elect one representative.

Amend District No. 35 so as to read as follows: The Thirty-fifth District, composed of the counties of Hopkins and Franklin and shall elect one Representative.

The amendment was read and adopted.

Senator Witt sent up the following amendment:

Amend H. B. No. 1 as follows:

Section 2, by striking from same the words "In the Ninety-sixth Dis-

trict, Bell County" and inserting in same the words "In the Ninety-sixth District, McLennan County."

The amendment was read and adopted.

The bill was passed to a third reading.

On motion of Senator Floyd, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 1 was put on its third reading and final passage by the following vote:

**Yeas—22.**

Bailey.	Hertzberg.
Bledsoe.	McMillin.
Buchanan.	Murphy.
Burkett.	Parr.
Cousins.	Richards.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Williams.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.

**Nays—2.**

Lewis.	Page.
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**Absent.**

Baugh.	Hall.
Carlock.	Rogers.
Clark.	Willis.
Dorough.	

The bill was read third time and passed finally by the following vote:

**Yeas—21.**

Bailey.	McMillin.
Buchanan.	Murphy.
Burkett.	Parr.
Cousins.	Richards.
Darwin.	Suiter.
Davidson.	Watts.
Doyle.	Williams.
Dudley.	Witt.
Fairchild.	Wood.
Floyd.	Woods.
Hertzberg.	

**Nays—2.**

Lewis.	Page.
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**Absent.**

Baugh.	Dorough.
Bledsoe.	Hall.
Carlock.	Rogers.
Clark.	Willis.

**Senate Concurrent Resolution No. 3.**

Senator Woods of Navarro called up from the table,

S. C. R. No. 3, In regard to insurance on State property.

Senator Wood of Williamson sent up the following amendment:

Amend S. C. R. No. 3 by adding the following:

Provided, however, that this resolution, or any part of its provisions, shall not apply to or affect the University of Texas and its branches, and that it is the fixed policy of the State that all buildings and the contents thereof, belonging to the University of Texas and its branches shall be kept insured at all times against any loss by fire or tornadoes.

The amendment was read and adopted.

The resolution as amended was adopted.

**Senate Bill No. 5.**

The Chair laid before the Senate on the calendar,

By Senator Doyle:

S. B. No. 5, A bill to be entitled "An Act to amend Articles 24 and 25, Revised Civil Statutes of Texas, 1911, apportioning the State of Texas into Senatorial Districts; declaring what counties shall constitute each Senatorial District; providing for returns of elections; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Senator Fairchild moved the adoption of the majority report that the bill do not pass.

Senator Dudley moved as a substitute the adoption of the minority report that the bill do pass. The yeas and nays were demanded and the substitute motion failed by the following vote:

**Yeas—10.**

Bledsoe.	Hertzberg.
Burkett.	Watts.
Doyle.	Willis.
Dudley.	Wood.
Fairchild.	Woods.

**Nays—13.**

Bailey.	McMillin.
Buchanan.	Murphy.
Clark.	Page.
Darwin.	Richards.
Davidson.	Suiter.
Floyd.	Witt.
Lewis.	

## Absent.

Baugh.	Hall.
Carlock.	Parr.
Cousins.	Rogers.
Dorough.	Williams.

The question recurred on the majority report that the bill do not pass.

Senator Murphy made the point of order that the refusal to adopt the minority report that the bill do pass was equivalent to killing the bill.

The Chair (Lieutenant Governor Davidson) sustained the point of order.

## Message from the Governor:

Mr. Walthall, Secretary to the Governor, presented himself at the bar of the Senate with the following message:

Governor's Office,  
Austin, Texas.

To the Members of the Senate.

Gentlemen: I ask the advice, consent and confirmation of the Senate to the following appointments:

Hon. Cooper Sansom, Georgetown, Texas, District Judge, to fill the unexpired term of Ireland Graves, for the 26th Judicial District.

R. A. Bassett to be District Attorney for the 23rd Judicial District, to fill unexpired term of C. C. Parker, deceased.

Respectfully submitted,

PAT M. NEFF,  
Governor.

## Executive Session.

On the motion of Senator Clark, Executive Session was set for this afternoon at 5:00 o'clock.

## Senate Bill No. 6.

Senator Doyle sent up the following resolution in regard to S. B. No. 6:

## Simple Resolution No. 3.

Whereas, there has been some confusion caused by the passage of Senate Bill No. 6 in a hurried manner, and,

Whereas, some of the members of the Senate were temporarily absent at the time of its passage, and,

Whereas, said bill has been sent to the House; therefore be it

Resolved, That said Senate Bill No. 6 be recalled from the House and the

vote by which said bill finally passed be reconsidered.

The resolution was read and laid on the table subject to call.

## Senate Bill No. 10.

The Chair laid before the Senate on the calendar,

S. B. No. 10, A bill to be entitled "An Act to provide for the acceptance of the benefits of an Act passed by the Senate and House of Representatives of the United States of America in Congress assembled to provide for vocational rehabilitation of persons disabled in industry or otherwise; to provide for the appointment of a custodian of all moneys received by the State from appropriations made by the Congress of the United States for the purpose stated. To provide for the appointment of a State Board to

cooperate with the Federal Board for vocational education in carrying out the provisions of said Act and prescribe its powers and duties; to provide for a plan of co-operation between such State Board and the State Industrial Accident Board and to make appropriations to provide for the vocational rehabilitation of persons disabled in industry or otherwise, and declaring an emergency."

The bill was read second time.

Senator Wood of Williamson moved that the bill be indefinitely postponed.

Senator Witt moved to table the motion. The motion to table lost.

The question recurred on the motion to indefinitely postpone.

The motion prevailed by the following vote:

Yeas—15.

Bailey.	Floyd.
Buchanan.	Lewis.
Burkett.	McMullin.
Clark.	Parr.
Darwin.	Richards.
Davidson.	Suiter.
Doyle.	Wood.
Dudley.	

Nays—7.

Fairchild.	Watts.
Hertzberg.	Witt.
Murphy.	Woods.
Page.	

Absent.

Baugh.	Cousins.
Bledsoe.	Dorough.
Carlock.	Hall.

Rogers. Willis.  
Williams.

### Message from the Governor.

Mr. Walthall, Secretary to the Governor, presented himself at the bar of the Senate with the following executive message:

Governor's Office,  
August 20, 1921.

To the Texas Senate.

Gentlemen: I ask the advice, consent and confirmation of the Senate to the following list of appointments as Notaries Public, in and for the counties indicated opposite their names.

Respectfully submitted,

PAT M. NEFF,  
Governor.

### List of Notaries Public Appointed by Governor.

Meyers, Robert L., Tarrant; Lay, L. C., McLennan; Kennedy, T. J. F., Travis; Edgar, Miss Margie Potter; Avant, D. D., Jefferson; Harper, Mrs. Nettie, Jefferson; Dorman, Mrs. L., Travis; Arnold, Ray F., Wharton; Humphreys, G. H., Falls; Burleson, Leigh, San Saba; Gibson, E. L., Falls; Cobb, Z. L., El Paso; Flowers, Mrs. M. H., Runnels; Johnson, Miss C., Jones; Howard, E. S., Dallas; Kendrick, R. M., Terry; Landrum, J. D., Dallas; Rambo, C. R., Terry; Withers, Mrs. Alma, Dallas; Cain, C. H., Lynn; Rutledge, Carroll J., Dallas; Clark, R. L., Stephens; Turner, W. E., Dallas; Young, Alden S., Young; Fox, Edwin, Dallas; Umberson, W. E., Bexar; Holder, Joe F., Fannin; Belk, N. F., Jasper; Pierce, Mrs. May, Dallas; Rogers, H. L., Hill; Burt, Joseph H., Dallas; Jenkins, M. D., Harris; McGinty, Charles F., Dallas; Goddard, Mrs. Edith C., Harris; Evans, M. L., Smith; O'Donnell, Mrs. Wm., Harris; Mulkey, R. C., Hood; Williamson, J. W., Nacogdoches; Farmer, R. W., Hunt; Matt-  
hasus, H. A., Wichita; Bryant, Tom, Callahan; Taylor, Z. M., Eastland; Bryant, Mrs. A. E., Callahan; Neal, Haden, Eastland; Rowland, H. F., Lamar; Morrow, H. C., Jr., Travis; Bro-line, Frances, Lamar; Johnson, V. M., Anderson; Gayne, Frank J., Galveston; Neil, A. D., Travis; McFachern, D. M., Galveston; Neal, Miss Barbara, Palo Pinto; Miller, Miss Minnie, Galveston; Wilkins, H. H., Cottle; McGuire, John E., Galveston; Johnson, Jim L., Freestone; Paishley, A. W., Stephens; Coleman, Miss Dera, Nue-

ces; Crawford, J. W., LaSalle; Duncan, A. E., Nueces; Gamble, A. M., Floyd; Nix, C. L., Denton; Wilson, Artie, Somervell; Baldwin, W. H., Dallas.

### Bills Signed.

The Chair, Lieutenant Governor Davidson, gave notice of signing and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 13.

### Senate Bill No. 12.

(Senator Parr in the Chair.)

Unanimous consent was granted to take up,

S. B. No. 12, Establishing the State School of Correspondence.

The bill was read second time.

The Senate rule requiring committee reports to lie over one day was suspended.

The committee report was adopted.

The bill was passed to engrossment.

On motion of Senator Richards, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 12 was put on its third reading and final passage by the following vote:

### Yeas—20.

Bailey.	Fairchild.
Baugh.	Floyd.
Bledsoe.	Hertzberg.
Buchanan.	Lewis.
Burkett.	McMillin.
Clark.	Murphy.
Cousins.	Parr.
Darwin.	Richards.
Doyle.	Watts.
Dudley.	Willis.

### Nays—3.

Page.	Woods.
Williams.	

### Present—Not Voting.

Davidson.	Suiter.
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### Absent.

Carlock.	Rogers.
Dorough.	Witt.
Hall.	Wood.

The bill was read third time and finally passed.

**Message from the House.**

Mr. Phinney, Chief Clerk of the House, presented himself at the bar of the Senate with the following message:

Hall of the House of Representatives,  
Austin, Texas, August 24, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Conference Committee report on S. B. No. 1 by a vote of: yeas 76, and nays 47.

Respectfully submitted,  
C. L. PHINNEY,  
Chief Clerk House of Representatives.

**Report of Committee on Rules.**

Senate Chamber,  
Austin, Texas, August 25, 1921.  
Hon. Lynch Davidson, President of The Senate.

Sir: We, your Committee on Rules, beg leave to recommend that the resolution providing for post-session work of the First Called Session, Thirty-seventh Legislature, be adopted to apply to post-session employment of the Second Called Session; except as to the Journal Clerk; and that the Journal Clerk of the Second Called Session be employed fifteen days, and be paid \$7.50 per day; all to be paid out of the contingent fund or the mileage and per diem fund of the Second Called Session.

DOROUGH, Chairman,  
DAVIDSON, Vice-Chairman.

The report was read and adopted.

**Senate Concurrent Resolution No. 4.**

Senator Richards received unanimous consent to send up,  
S. C. R. No. 4,

Resolved by the Senate of Texas, with the House of Representatives concurring, That the Second Called Session of the Thirty-seventh Legislature be adjourned on Thursday, August 25, 1921, at 12 o'clock noon.

The resolution was read and laid on the table subject to call.

**Simple Resolution No. 3.**

Senator Burkett called from the table.

Simple Resolution No. 3, Providing for the reconsideration and recall of S. B. No. 6 from the House.

The question recurred first on the motion to recall the bill.

Senator Baugh moved to table the motion to recall. The yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—17.

Baugh.	Floyd.
Bledsoe.	Lewis.
Buchanan.	McMillin.
Clark.	Page.
Cousins.	Suiter.
Darwin.	Williams.
Davidson.	Wood.
Dudley.	Woods.
Fairchild.	

Nays—9.

Bailey.	Parr.
Burkett.	Richards.
Doyle.	Watts.
Hertzberg.	Willis.
Murphy.	

Absent.

Carlock.	Rogers.
Dorough.	Witt.
Hall.	

**Senate Concurrent Resolution No. 5.**

Senator Wood of Williamson sent up the following resolution:

Whereas, It has been repeatedly stated that there is a large amount of unnecessary duplication in the work of the institutions of higher learning in the State of Texas, thus incurring an annual expense to the people of Texas which should, if possible, be avoided; and

Whereas, It has been held that much of this duplication and unnecessary expense is due to the fact that the work of higher education in the State of Texas has not been properly systematized and co-ordinated; and

Whereas, The present methods of providing for the maintenance and support of the institutions of higher learning in this State are both unsatisfactory and highly inefficient; now therefore be it

Resolved by the Senate, the House of Representatives concurring, That a committee of nine citizens of the State of Texas be appointed, three by the Governor of Texas, three by the Lieutenant Governor of Texas, one of whom shall be a member of the Senate; and three by the Speaker

of the House of Representatives, one of whom shall be a member of the House, to make a thorough examination into the questions above raised, and such further examination into the whole problem of higher education in Texas, as may by the committee be deemed advisable, and that the said committee be and it is hereby instructed to report to any called session of the Thirty-seventh Legislature, or, in the event of no called session, to the Thirty-eighth Legislature, a method of systematizing the work of higher education in Texas, together with an efficient plan for their adequate support and maintenance, and with the suggestion of

the constitutional amendments and statutory enactments which may be necessary to put the plan into effect, it being understood that membership upon this committee is one of honor and an opportunity to render service in a constructive way, not only to the educational interests, but to the entire State itself, and that no per diem shall be paid to the members of the committee and no expense of any kind be incurred.

WOOD,  
DUDLEY,  
WITT.

The resolution was read and adopted.

#### Hour For Executive Session.

The time having arrived for the Executive Session, the Chair instructed the Sergeant-at-Arms to prepare the Senate for Executive Session.

The Senate went into Executive Session.

#### Executive Session.

The Secretary reported to the Journal Clerk the confirmation by the Senate, in Executive Session, of the following appointments:

Hon. Cooper Sansom, of Georgetown, District Judge, to fill unexpired term of Ireland Graves, for the Twenty-sixth Judicial District.

Hon. R. A. Bassett, to fill unexpired term of C. C. Parker, deceased.

#### Notaries.

The following names were confirmed as notaries by the Senate in executive session held Aug. 25, 1921:

Meyers, Robert L., Tarrant; Lay, L. C., McLennan; Kennedy, T. J. F., Travis; Edgar, Miss Margie, Potter; Avant, D. D., Jefferson; Harper, Mrs. Nettie Jefferson; Dorman, Mrs. L., Travis; Arnold, Ray F., Wharton; Humphreys, G. H., Falls; Burleson, Leigh, San Saba; Gibson, E. L., Falls; Cobb, Z. L., El Paso; Flowers, Mrs. M. H., Runnels; Johnson, Miss C., Jones; Howard, E. S., Dallas; Kendrick, R. M., Terry; Landrum, J. D., Dallas; Rambro, C. R., Terry; Withers, Mrs. Alma, Dallas; Cain, C. H., Lynn; Rutledge, Carroll J., Dallas; Clark, R. L., Stephens; Turner, W. E., Dallas; Young, Alden S., Young; Fox, Edwin, Dallas; Umberson, W. E., Bexar; Holder, Joe F., Fannin; Belk, N. E., Jasper; Pierce, Mrs. May, Dallas; Rogers, H. L., Hill; Burt, Joseph H., Dallas; Jenkins, M. D., Harris; McGinty, Charles F., Dallas; Goddard, Mrs. Edith C., Harris; Evans, M. L., Smith; O'Donnell, Mrs. Wm., Harris; Mulkey, R. C., Hood; Williamson, J. W., Nacogdoches; Farmer, R. W., Hunt; Matthias, H. A., Wichita; Bryant, Tom, Callahan; Taylor, Z. M., Eastland; Bryant, Mrs. A. E., Callahan; Neal, Haden, Eastland; Rowland, H. F., Lamar; Morrow, H. C., Jr., Travis; Broline, Frances, Lamar; Johnson, V. M., Anderson; Gayne, Frank J., Galveston; Neil, A. D., Travis; McFachern, D. M., Galveston; Neal, Miss Barbara, Palo Pinto; Miller, Miss Minnie, Galveston; Wilkins, H. H., Cottle; McGuire, John E., Galveston; Johnson, Jim L., Freestone; Paishley, A. W., Stephens; Coleman, Miss Dera, Nueces; Crawford, J. W., LaSalle; Duncan, A. E., Nueces; Gamble, A. M., Floyd; Nix, C. L., Denton; Wilson, Artie, Somervell; Baldwin, W. H., Dallas.

#### THIRD DISTRICT.

##### Lamar County.

W. R. Douglas, Paris.

##### Fannin County.

Price, P. M., Honey Grove; Cox, Sude, Bonham; Carter, Ruth, Bonham; Black, J. F., Honey Grove.

##### Lamar County.

Parrigin, Miss Lexie E., Paris; Sperry, Leslie, Paris; Sperry, C. H., Paris.



**FIFTH DISTRICT.****Collin County.**

Bullock, Miss Thelma, McKinney.

**SIXTH DISTRICT.****Dallas County.**

Berryhill, E. Dempsey, Dallas; Eimicke, Marguerite, Dallas; Goodman, W. C., Dallas; Hadra, J. W., Dallas; Hardy, Florence, Dallas; Howell, E. R., Dallas; Hutchings, R. C., Dallas; Lillebridge, Herbert F., Dallas; Martin, Chas. R., Dallas; McGraw, Wm., Dallas; Nelson, W. E., Dallas; Nickels, Luther, Dallas; Painter, W. H., Dallas; Reedy, Daisy M., Dallas; Scott, Nan, Dallas; Tune, Rex, Dallas.

**SEVENTH DISTRICT.****Van Zandt County.**

Stamford, Paul H., Canton;  
Strange, M. N., Willis Point.

**Wood County.**

Alvis, Z. C., Winnsboro.

**EIGHTH DISTRICT.****Gregg County.**

Leak, Jack G., Longview.

**Panola County.**

Bowen, Matt, Beckville.

**NINTH DISTRICT.****Navarro County.**

Hall, C. J., Kerens; Trimble, Miss Mary, Corsicana.

**Kaufman County.**

Osborne, Mrs. S. J., Terrell; Wilson, W. J., Kemp.

**TENTH DISTRICT.****Johnson County.**

Hamrick, J. T., Jr., Cleburne.

**ELEVENTH DISTRICT.****McLennan County.**

Dowdy, C. V., Waco.

**TWELFTH DISTRICT.****Freestone County.**

Dierlam, Sidney, Seadrift.

Dierlam, A. S., Seadrift.

**Limestone County.**

Horn, Roy, Groesbeck; Thomas, Adelbert B., Groesbeck.

**THIRTEENTH DISTRICT.****Houston County.**

Phillips, Johnson, Jr., Crockett; Keene, Geo. L., Crockett.

**Anderson County.**

Richards, Miss Fannie, Palestine; Latchford, J. B., Palestine.

**Cherokee County.**

McGowan, Miss Winnie Mae, Jacksonville.

**FOURTEENTH DISTRICT.****Jefferson County.**

Kelcher, J. L., Beaumont; Learned, C. F., Beaumont; Mack, Lawson, Beaumont; Riley, J. A., Beaumont; Touns, Guy E., Beaumont.

**Hardin County.**

Kimmev, C. A., Sour Lake; Power, J. B., Sour Lake.

**Orange County.**

Oliver, Ennice, Orange.

**SIXTEENTH DISTRICT.****Harris County.**

Sellingsloh, A., Houston; Wolters, Russell, Houston; Tyler, Herman, Houston; Parris, J. P., Houston; Schwecke, L. L., Houston; O'Keefe, Binyon, Houston; Jackson, J. E., Houston; Evans, Roger H., Houston; Crotty, E. G., Houston; Tiphon, Roy, Houston; Peddy, Gertrude Erwin, Houston; Patterson, Louis W., Houston; Bracewell, M. L., Houston; Highsmith, C. C., Houston; Tyler, H. R., Houston; Galvan, F., Houston; Scheley, Charles H., Houston; Terry, W. T., Houston.

**SEVENTEENTH DISTRICT.****Galveston County.**

Burns, Mary, Galveston.

**Brazoria County.**

Jackson, Paul S., Alvin.

**EIGHTEENTH DISTRICT.****Austin, County.**

Scott, J. M., Sealy.

**NINETEENTH DISTRICT.****Washington County.**

Susnitsky, Goldye, Brenham.

**TWENTIETH DISTRICT.****Travis County.**

Coffey, J. R., Austin; Webb, Robert, Austin; Smith, Edgar, Austin; King, Miss L. L., Austin; Cofer, John D., Austin.

**Williamson County.**

Sullivan, T. B., Granger.

**Burnet County.**

Rowlett, Q., Bertram.

**TWENTY-FIRST DISTRICT.****Caldwell County.**

Alves, Alvin R., Lockhart.

**Comal County.**

Ruppel, John B., New Braunfels.

**TWENTY-THIRD DISTRICT.****Webb County.**

Horner, Geo. J., Laredo; Boughton, E. H., Laredo; DaCamara, J. B., Laredo.

**Willacy County.**

Kenedy, Nelle R., Lyford; Schlecht, O. G., Lyford; Dreyer, M. H., Raymondville; Tomme, C. B., Raymondville; Hill, Miss Cledwyth L., Raymondville.

**Cameron County.**

MacConachie, Jeanette, Brownsville.

**Hidalgo County.**

King, Mrs. Frances H., Mercedes.

**TWENTY-FOURTH DISTRICT.****Bexar County.**

Lohmuller, Lucile, San Antonio; Philips, Ford, San Antonio; Seipel, Wm., San Antonio; Schwegmann, Het-tie, San Antonio; Vanlandingham, Luther E., San Antonio; Walker, H. C., San Antonio; Whitaker, D. C., San Antonio; McKay, Cyril, San Antonio.

**TWENTY-FIFTH DISTRICT.****El Paso County.**

Hall, Norman C., El Paso; Owen, Chas., El Paso; Shearman, Mrs. Lottie F., El Paso; Vance, W. H., El Paso.

**Tom Green County.**

Ethridge, J. B., San Angelo.

**TWENTY-SIXTH DISTRICT.****San Saba County.**

Baker, J. B., San Saba; Bross, S. J., San Saba; Burleson, Leigh; San Saba; Burleson, R. W., San Saba; Johnson, Mich, San Saba; Walker, N. C., San Saba; Walters, G. A., San Saba; Wilson, W. A., San Saba.

**TWENTY-SEVENTH DISTRICT.****Bell County.**

Haag, W. G., Temple; Taylor, M. L., Taylor.

**TWENTY-EIGHTH DISTRICT.****Eastland County.**

Connor, Earl, Eastland; Dreinhof-er, J. F., Jr., Ranger.

**Jones County.**

Allen, C. R., Stamford.

**Palo Pinto County.**

Hooton, C. R., Mineral Wells.

**Scurry County.**

Wilmeth, A. C., Snyder.

**Stephens County.**

Akers, C. D., Breckenridge.

**Taylor County.**

Wood, Irene, Abilene.

**TWENTY-NINTH DISTRICT.****Deaf Smith County.**

Bule, Frances, Hereford; Estes, Cliff, Hereford.

**Lubbock County.**

Read, Wesley L., Lubbock.

**Wichita County.**

Werner, E. R., Electra; Ziegler, Pauline, Wichita Falls; Bond, Roland

S., Wichita Falls; Snyder, Harley, Electra; Murphy, F. M., Wichita Falls.

**Hansford County.**

McClain, M. L., Spearman.

**Dallam County.**

Nulph, W. E., Texline.

**THIRTIETH DISTRICT.**

**Tarrant County.**

Beasley, C. W., Fort Worth; Beall, W. Orville, Fort Worth; Fowler, Violet L., Fort Worth; Herring, O. M., Fort Worth; Herbert, Hershel F., Fort Worth; Thomas, A. P., Fort Worth; Watkins, E. K., Fort Worth.

**THIRTY-FIRST DISTRICT.**

**Denton County.**

Owsley, Henry, Denton; Smith, S. J., Denton.

**In the Senate.**

The Senate at 5:10 p. m. stood at ease until 8:00 o'clock tonight.

**Wednesday Night.**

The Senate was called to order at 8:00 o'clock p. m.

(Lieutenant Davidson in the Chair.)

**Message from the House.**

Mr. Phinney, Chief Clerk of the House, presented himself at the bar of the Senate with the following message:

Hall of the House of Representatives,  
Austin, Texas, Aug. 24, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 1, Relating to the employment of certain persons to care for the Senate Chamber and Hall of the House of Representatives.

S. B. No. 14, A bill to be entitled "An Act to amend Chapter 26 of the General Laws passed by the Regular Session of the Thirty-seventh Legislature."

S. C. R. No. 3, Relating to insurance on State property.

And refused to concur in Senate amendments to H. B. No. 1, and re-

quest the appointment of a Free Conference Committee.

The following have been appointed on part of the House: Jno. E. Davis, Grissom, Patman, Baker, and Beasley of Hopkins.

Respectfully submitted,

C. L. PHINNEY,  
Chief Clerk House of Representatives.

**Conference Committee On House Bill No. 1.**

The Senate granted the request of the House for a conference on H. B. No. 1.

The Chair announced the following to act on the part of the Senate: Burkett, Floyd, Witt, Davidson, and Cousins.

**Message from the House.**

Mr. Phinney, Chief Clerk of the House, presented himself at the bar of the Senate with the following message:

(Senator Woods in the Chair.)

Hall of the House of Representatives,  
Austin, Texas, Aug. 24, 1921.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 11, A bill to be entitled "An Act to appropriate the sum of Twenty Thousand (\$20,000) Dollars out of a special fund in the State Treasury to be used by the State Fire Insurance Commission."

S. C. R. No. 5, Relating to the investigation of educational institutions.

Respectfully submitted,

C. L. PHINNEY,  
Chief Clerk House of Representatives.

**Election of President Pro Tem.**

Senator Dudley nominated Senator Hertzberg for President Pro Tem. ad interim of the Senate.

The nomination was seconded by Senator Bailey, Senator Darwin, Senator Woods, Senator Clark, Senator Watts, Senator McMillin, and Senator Willis.

The Chair appointed Senator Murphy, Senator McMillin, and Senator Clark as tellers.

The Senate cast its ballot and Senator Hertzberg was declared elected, there being twenty-two votes in his favor and none against.

The Chair appointed Senators Parr,

Watts, and Bledsoe to escort Senator Hertzberg to the platform.

The oath of office was administered to Senator Hertzberg by Lieutenant Governor Davidson.

Senator Hertzberg addressed the Senate briefly.

Senator Page made a speech expressing his appreciation of the election of Senator Hertzberg and his regret that he was out of the Chamber at the time and unable to second the nomination.

#### Recess.

The Senate, at 9:20 p. m., recessed until tomorrow morning at 9:00 o'clock.

#### Thursday Morning.

The Senate was called to order at 9 o'clock a. m., pursuant to recess.

(Lieutenant Governor Davidson in the chair.)

#### Bills Signed.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

- S. B. No. 11.
- S. C. R. No. 5.
- S. B. No. 14.
- S. C. R. No. 3.

#### Conference Report on House Bill No. 1.

Senator Burkett sent up the following conference report:

To the Hon. Lynch Davidson, Lieutenant Governor; and  
The Hon. Charles G. Thomas, Speaker of the House.

We, your Conference Committee appointed by yourselves to adjust the differences between the House and the Senate with reference to H. B. No. 1, having had same under consideration, beg leave to report as follows:

1. The Senate recede from amendments to bill.

2. Amend bill by striking out the word "six" in District No. 50, and inserting in lieu thereof the word "five."

3. Amend bill by creating a new district, No. 126, composed of the counties of Delta, Hopkins and Franklin, and shall elect one representative.

4. Amend bill so that Third District shall be composed of the counties of Bowie, Cass and Marion, and shall elect one Representative.

5. Amend bill by striking the word "Delta" from District No. 42, and insert in lieu thereof the word "Rains," and by striking "Rains" from District No. 34.

6. Amend bill by striking out the word "Franklin" in District No. 35, and insert in lieu thereof the word "Morris."

7. Amend bill by striking out the word "six" in District No. 78, and insert in lieu thereof the word "five."

8. Amend bill by creating a new district, to be known as District No. 127, which shall be composed of the county of Bastrop, and shall be entitled to elect one Representative.

9. Amend bill by striking the word "Bastrop" out of District No. 81.

10. Amend Section 2 of the bill so that the returning counties shall be as follows:

In the Third District, Marion County.

In the One Hundred Twenty-sixth District, Hopkins County.

In the Thirty-fifth District, Titus County.

11. Amend bill by adding to the Fifty-first District Dallas County.

DAVIS of Dallas,  
PATMAN,  
BEASLEY  
of Hopkins,

On the part of the House.

BURKETT,  
FLOYD,  
WITT,  
COUSINS,

On the part of the Senate.

The report was read and adopted.

#### Senate Concurrent Resolution No. 4.

Senator Clark called up from the table,

S. C. R. No. 4, Providing for sine die adjournment of this session Thursday at 12 o'clock noon.

The resolution was adopted.

#### Bills Signed.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, after its caption had been read, the following bill:

S. B. No. 1.

## Simple Resolution No. 4.

Senator Richards sent up the following resolution:

By Senators Fairchilds, Richards, Cousins:

Whereas, During the Regular Session of the Thirty-seventh Legislature, S. B. No. 267 was passed, creating a Board of Managers for the Texas State Railroad, and providing that the Lieutenant Governor, the Hon. Lynch Davidson, should be Chairman of the Board, with authority to appoint two other members; and in pursuance of that authority John A. Glen of Beaumont, Superintendent of the G. C. & S. F. Railroad, and E. C. Durham of Diboll, Manager of the Texas Southeastern Line, were appointed members of said Board of Managers; and the said Board has acted under the authority granted it and has performed the duties required of it; and

Whereas, The said Board of Managers has had charge of the Texas State Railroad since March 12th; and

Whereas, The said Texas State Railroad was in a deplorable condition with its physical properties and was a financial bankrupt and had virtually ceased to function as a railroad, and without the assistance of the Board of Managers would have been junked long ago, but because of the efficient management and the particular ability of the Board of Managers in handling and financing railroad properties, the Texas State Railroad is again a living creature and is now ready to function as part of the lines operated by the Southern Pacific system, and since the Board of Managers has had control of the road it has rebuilt this railroad and given the public along its line from Palestine to Rusk, efficient service and saved to the citizens of these communities many thousands of dollars which would have been lost had not the train service been continued under the efficient management of the Board; and

Whereas, Since the Board has had charge of the Texas State Railroad, for the first time since the road was built, the State has been relieved of a constant loss every month from its operation and a consequent drain upon the State Treasury; and

Whereas, The State Railroad received an appropriation of \$25,000 for the purpose of rebuilding and

operating same by the Board of Managers, and the road has been rebuilt and put in first-class shape, and at the same time, through the wise and efficient management of the Board of Managers, has accumulated several thousand dollars more than the original appropriation, in addition to rebuilding the railroad, and now has on hand, in the Treasury of the State, more than Thirty Thousand Dollars; and

Whereas, At this session we have extended and enlarged the authority of the Board of Managers, and granted it the privilege to pay from the earnings of the road the interest on bonds and to retire bonds which are now due the permanent school fund of the State of Texas, and under the Board's efficient management it will have on hand, when the road is taken over by the Southern Pacific about \$50,000 to be applied on the bonds due the permanent school fund, at which time it is their desire to retire that amount of bonds; and

Whereas, While many things could be said of the services of the Board of Managers, it suffices for this resolution to say that, through its efficient management it has saved the railroad for the State and to the community through which it runs, and has saved to the State the value of this railroad, easily worth half a million dollars, and saved to Texas the policy of not permitting railroads to be abandoned; and

Whereas, A contract has now been signed by the Board of Managers of the Texas State Railroad and the proper officials of the Southern Pacific Railroad, being for a term of five years, leasing the railroad to the Southern Pacific, whereby the State will enjoy one-half of all the net profits, and be guaranteed against any further losses to the State, and the road will be maintained in good condition and adequate train service furnished; and

Whereas, The Lieutenant Governor, in his report to the Legislature, has testified to the splendid services rendered by Mr. Glen and Mr. Durham, members of the Board, who have labored untiringly for the State in rebuilding the road and making its disposition possible; and

Whereas, Their unselfish service to the State Railroad was made possible by the liberal and public spirited policy of the Texas Southeastern

Railroad Company, and the Santa Fe Railroad system, which railroad companies permitted their giving of their valuable railroad experience and their time and attention to this undertaking by serving on the Board of Managers; now therefore be it

Resolved by the Senate of Texas, That we extend to the Chairman of said Board, Lieutenant Governor Lynch Davidson, for his willing, able and efficient service in the management of the Texas State Railroad for the people of Texas, our sincere appreciation for his services and recognize his great business ability in the management of said railroad and the negotiations for its disposition;

And we extend to John A. Glen our sincere appreciation and thanks for his services, recognizing in him that particular faculty of doing well whatever he does, and that he always acts upon that high plane of honesty and integrity, that he now and has always stood upon, and we appreciate his services and commend him for his ability to accomplish things, and in that he is one among the railroad men of all Texas whose business ability and judgment we appreciate and respect;

And we extend to Mr. E. C. Durham of Diboll, our appreciation for the services he has rendered the State, and his devotion and constant attention to the exacting work of rebuilding the State Railroad; and we are conscious of his business ability and recognize in him a successful railroad builder and one of the few men capable of taking charge of East Texas railroads and making them successful.

Be it further resolved, That this resolution be printed in the Journal, and copies sent to the Lieutenant Governor, to Mr. Glen and to Mr. Durham.

The resolution was read and adopted.

#### Simple Resolution No. 5.

Senator Richards sent up the following resolution:

Resolved by the Senate, That Jno. H. Glenn of Beaumont and E. C. Durham of Diboll, be forwarded a copy of Senate Journal in bound form of Regular, First Called and Second Called sessions of the Thirty-seventh Legislature.

The resolution was read and adopted.

#### Message from the House.

Mr. Phinney, Chief Clerk of the House, presented himself at the bar of the Senate with the following message:

Hall of the House of Representatives,  
Austin, Texas, Aug. 25, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the report of the Free Conference Committee on H. B. No. 1.

Respectfully submitted,

C. L. PHINNEY,  
Chief Clerk House of Representatives.

#### Bills Signed.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bill:

H. B. No. 1.

#### Message from the House.

Mr. Phinney, Chief Clerk of the House, presented himself at the bar of the Senate with the following message:

Hall of the House of Representatives,  
Austin, Texas, Aug. 25, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 4, Relating to Sine Die Adjournment with amendment.

Respectfully submitted,

C. L. PHINNEY,  
Chief Clerk House of Representatives.

#### Senate Concurrent Resolution No. 4.

On the motion of Senator Wood the Senate concurred in the House amendment to S. C. R. No. 4.

#### Committee from the House.

A committee from the House presented itself at the bar of the Senate and notified the Senate that the House had completed its labors and was ready to adjourn.

#### Notification Committee.

The Chair appointed the following committees to notify the Governor

and House that the Senate had completed its labors:

To notify the Governor:  
Page, Suiter, Buchanan.  
To notify the House:  
Watts, Davidson, Parr.

#### Committees Returned.

The committees appointed returned and reported their duty performed.

#### Adjournment Sine Die.

The Chair at 12:00 m. announced that the hour of adjournment had arrived and declared the Second Called Session of the Thirty-seventh Legislature adjourned sine die.

### APPENDIX.

#### Committee Reports.

Committee Room,  
Austin, Texas, Aug. 23, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: Your Committee on Finance has duly examined S. B. No. 9, appropriating money for the Rural Health Department, and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

DUDLEY, Chairman.

Committee Room,  
Austin, Texas, Aug. 23, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: Your Committee on Finance, to whom was referred S. B. No. 11, appropriating money to be used by the Fire Insurance Commission, beg leave to say that the same has been examined, and I am authorized to report it back to the Senate with the recommendation that it do pass and be not printed.

DUDLEY, Chairman.

Committee Room,  
Austin, Texas, Aug. 24, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Education, to whom has been referred S. B. No. 12. A bill to be entitled "An Act to establish and maintain a State School of Correspondence at Austin, Texas; to provide for all courses of study by correspondence that supply the needs of Texas people;

to provide for the appointment of an executive board for same and prescribe their duties, to provide for the appointment of members of the faculty, prescribe their duties and provide for the salaries of members of said faculty, and declaring an emergency."

Have had the same under consideration, and beg leave to report the same back to the Senate with the recommendation that it do pass and be not printed.

Witt, Chairman; Richards, Lewis, Floyd, Fairchild, McMillin, Cousins.

Committee Room,  
Austin, Texas, Aug. 24, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Commerce and Manufacturing, to whom was referred

S. B. No. 14, A bill to be entitled "An Act to amend Chapter 26 of the General Laws passed by the Regular Session of the 37th Legislature, same being S. B. No. 267, approved March 12, 1921, entitled, 'An Act creating a board of managers for the Texas State Railroad,' etc.

Have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass but be not printed.

MURPHY, Chairman.

#### Select Committee Reports.

Senate Chamber,  
Austin, Texas, Aug. 24, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 13 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,  
Austin, Texas, Aug. 24, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 6 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,  
Austin, Texas, Aug. 24, 1921.  
Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on En-

grossed Bills, have had S. B. No. 11 carefully compared and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, August 24, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 14 carefully compared, and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, August 24, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 9 carefully compared, and find same to be correctly engrossed.

DOYLE, Chairman.

Senate Chamber,

Austin, Texas, August 24, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. C. R. No. 3 carefully compared, and find same to be correctly engrossed.

DOYLE, Chairman.

Committee Room,

Austin, Texas, August 25, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have this day carefully examined S. B. No. 11, and find the same correctly enrolled, and have this day at 10:40 o'clock a. m., delivered the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,

Austin, Texas, August 25, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have this day carefully examined S. C. R. No. 5, and find the same correctly enrolled, and have this day at 10:40 o'clock a. m., delivered the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,

Austin, Texas, August 25, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on En-

rolled Bills, have this day carefully examined S. C. R. No. 3, and find the same correctly enrolled, and have this day at 10:40 o'clock a. m., delivered the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,

Austin, Texas, August 25, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have this day carefully examined S. B. No. 14, and find the same correctly enrolled, and have this day at 10:40 o'clock a. m., delivered the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,

Austin, Texas, August 24, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have this day carefully examined S. B. No. 13, and find the same correctly enrolled, and have this day at 4:40 o'clock p. m., delivered the same to the Governor for his approval.

DARWIN, Chairman.

Committee Room,

Austin, Texas, August 25, 1921.

Hon. Lynch Davidson, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have carefully compared S. B. No. 1, and find the same correctly enrolled, and have this day at 11:50 o'clock a. m., presented the same to the Governor for his approval.

DARWIN, Chairman.

**Contract Between Board of Managers and the Texas & New Orleans Railway Company.**

By Fairchild.

S. B. No. 13.

**A BILL**

to be entitled

An Act confirming and ratifying contract of date August 23, 1921, by and between the Board of Managers of the Texas State Railroad created by an Act of the Legislature of the State of Texas passed at the Regular Session of the Thirty-seventh Legislature and approved March 12, 1921, by the Governor of the State of Texas with



the Texas & New Orleans Railroad Company, a railway corporation chartered under the laws of the State of Texas and directing said Board of Managers of the Texas State Railroad when said contract shall have been approved by the Governor of the State of Texas and the Texas & New Orleans Railroad Company shall have secured such authority and approval of the Interstate Commerce Commission as may be required by law for the execution of said contract, and the carrying out of the provisions thereof from the Interstate Commerce Commission to admit said Texas & New Orleans Railroad Company into the full possession of the properties of said Texas State Railroad, the same to be operated in accordance with the terms of said contract and agreement; providing that this Act shall be cumulative of Chapter 26 of the General Laws passed by the Regular Session of the Thirty-seventh Legislature, approved March 12, 1921, and shall not be taken nor construed as in any way repealing or amending said Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Whereas, acting by and under the authority of Act of the Legislature of the State of Texas approved March 12, 1921, entitled "An Act creating a Board of Managers for the Texas State Railroad providing for the appointment, prescribing the duties of its managers, directing the Prison Commission to transfer possession of the Texas State Railroad and all its property to the Board of Managers herein created, authorizing the Board of Managers to sell or lease the Texas State Railroad, and providing for the disposition of the proceeds; authorizing said Board in the event it cannot sell said railroad to continue to operate and to rehabilitate it, and making an appropriation therefor; providing for reports by said Board, repealing all laws and parts of laws in conflict therewith, and declaring an emergency"

Said Lieutenant Governor of the State of Texas appointed J. A. Glen and E. C. Durham as members of the Board of Managers of the Texas State Railroad and the said Lieutenant Governor, together with the

said E. C. Durham and James A. Glen, thereupon assumed as Board of Managers of the Texas State Railroad full and plenary control and management of the Texas State Railroad; and the Board of Prison Commissioners of the State of Texas thereupon, in accordance with the terms of said Act, did deliver the possession of said Railroad, together with all equipment, supplies, books, records and documents of every character, and all property of whatever kind belonging to said Railroad and to said Board of Managers; and the said Board of Managers having been unable to sell said Railroad, as authorized by the terms of said Act, to any person, firm or corporation, did make and enter into the following contract and agreement with the Texas & New Orleans Railroad Company, a Railroad Corporation chartered and acting under the laws of the State of Texas, to-wit:

The State of Texas )  
County of Harris )

This agreement, made and entered into this the 23rd day of August, A. D. 1921, by and between the Board of Managers of the Texas State Railroad, created by an Act of the Legislature of the State of Texas, passed at the Regular Session of the Thirty-seventh Legislature and approved March 12, 1921, by the Governor of the State of Texas, said Board of Managers acting herein in its official and representative capacity only, hereinafter for convenience referred to as "Managers" and acting herein as party of the first part, and the Texas and New Orleans Railroad Company, acting herein as party of the second part, a corporation created under the laws of the State of Texas, and having its principal office in Houston, Harris County, Texas, and being hereunto duly authorized by legal corporate action, and hereinafter referred to as "Company," witnesseth:

Whereas, the Managers are vested with and empowered to exercise full and plenary control and management of the Texas State Railroad, which is a line of standard gauge railroad extending from Rusk, in Cherokee County, Texas, to Palestine, in Anderson County, Texas, with existing tracks, side tracks, spurs, switches and turnouts, stations, buildings, ways and structures, and other facilities used in

the operation of said railroad, all of which jointly and severally are owned by and are the property of the State of Texas, and the Managers have and exercise only such authority in regard thereto as is conferred upon them by the aforesaid act of the Texas Legislature; and,

Whereas, the Company is the owner of a line of railway extending to the town of Rusk, at which place it connects with the Texas State Railroad, the Texas State Railroad being owner of certain right of way and tracks in and near the town of Rusk, which said Company is now using, under grant from the State of Texas, which said grant and the rights of the Railway Company shall be in no wise affected by this agreement, and to more fully describe the property aforesaid, a blue-print showing the tracks and facilities of said Texas State Railroad in the town of Rusk and in the vicinity thereof, and of the Company, is hereto attached and made a part hereof for description. Those parts of the line on said blue-print marked in red being the property of the State of Texas, those parts marked in yellow being the property of the Company, and those parts marked with broken red and yellow line being laid with heavy steel the property of the Company, in replacement of light steel, the property of the State of Texas, which, therefore, has an equity in said heavy steel equal to the value of the light steel retained by the Company; and,

Whereas, the Company is desirous of obtaining trackage rights and privileges of operating its engines, trains, and cars upon and over the line of said Texas State Railroad, together with the right of using its side tracks, spurs and water-stations, terminal facilities and ways and structures and all other facilities except rolling stock of said Texas State Railroad, and tools, all of which the Managers are willing to grant with the approval of the Governor of the State of Texas, and upon the terms and conditions hereinafter set forth, so far as they may lawfully do so under the aforesaid Act of the Legislature:

NOW, THEREFORE, THIS AGREEMENT WITNESSETH:

#### Article One.

In consideration of the covenants

and agreements hereinafter set forth, and upon the terms, stipulations and conditions herein made, and upon conditions of faithful, punctual and efficient performance thereof, the Managers have granted, and by these presents do give and grant to the Company, the right during the continuance of the term of this agreement, at its own cost and expense to operate its engines, trains and cars on, upon and over the said Texas State Railroad at and between the said town of Rusk and the said town of Palestine, together with the right of using any and all of the facilities and appurtenances of the Texas State Railroad at and between said stations of Rusk and Palestine, including the use of all terminal facilities, stations, buildings and grounds incident to the use of or operation of and now belonging to the Texas State Railroad. This agreement shall not be effective until the Governor of Texas affixes his formal approval hereto, as shown by his official signature; and the same shall continue in full force and effect for five years beginning on the date that said road shall have been strengthened and repaired by the Managers so as to enable the Company to operate its engines, trains and cars upon said tracks, unless sooner terminated under the terms of this agreement as hereinafter stated.

#### Article Two

In consideration of the aforesaid grants, rights and privileges, the Company hereby covenants and agrees that at the times and in the manner hereinafter provided, it will pay to the Managers fifty per cent of the net railway operating income earned and received by the Company for the transportation of persons, freight, baggage, express and mail upon and over said tracks of said Texas State Railroad, and including all other revenue, if any, which said Company may derive or receive from any source whatsoever, by, through or on account of the use of said Texas State Railroad property or facilities or any part thereof, under this agreement. The Company will constantly maintain all of the roadways, structures, buildings, bridges, terminal facilities, water stations, including the reservoir and main at Rusk, full access to and control of which is hereby granted the Company, and

other properties of said Texas State Railroad in a good and safe condition for operation of, and shall operate thereon freight and passenger service adequate to transport all of the business offered, and such maintenance and operation shall continue for the full period of this contract. Said obligation to maintain shall never operate to impose on the Company any personal obligation to renew or replace any building, which may be damaged or destroyed by fire or other unavoidable cause; and the obligation so to renew or replace the building so destroyed shall exist only to the extent that it may be discharged from the earnings from operation under the terms hereof, or from insurance. The Company shall procure and keep in effect insurance on the buildings and other structures of the Texas State Railroad with loss payable to itself and the Managers, and the premiums therefor shall be paid out of earnings as an operating expense. In case of loss the proceeds thereof shall be turned over to the Company and used for renewal or replacement of the building damaged or destroyed, the balance, if any, to be paid over to the Managers. If the Company does not insure and keep insured said buildings, the Managers may do so, and in such event the premiums and losses thereunder shall be dealt with as above provided.

The Company will maintain such train service, freight, passenger, baggage, express and mail, as will be sufficient to meet the needs of the communities served and as shall comply with the existing laws with respect to such service.

The Managers may, with the approval of the Company, and upon its request, shall lease any of the lands or buildings of the State Railroad not required for operation of said railroad, for industrial or other purposes, provided such lease or leases shall terminate with this agreement. All rental shall be credited to earnings hereunder.

It is agreed between the Board of Managers and the Company that at the termination and end of this contract, the Texas State Railroad shall be returned to the Managers by the Company in its entirety, all its track, bridges, structures of every kind and character, in as good condition and repair as when delivered to the Com-

pany at the beginning of the contract, less reasonable wear and tear upon the same.

#### Article Three.

The Managers have begun and will prosecute with reasonable diligence the work of putting in ties and leveling and surfacing said road so as to make its condition satisfactory and acceptable to the President or Chief Engineer of the Company. The Managers will continue, so far as they lawfully may, until one year after the date of approval of the Act of the Legislature authorizing the execution of this agreement, the use of the fifty able-bodied convicts assigned to them for labor on said road, under the aforesaid Act of the Texas Legislature. The Company, however, shall furnish free transportation over its line and the line of said State Railroad, for all such convicts and guards as may labor upon said railroad; and the services of such convicts shall be restricted to the properties owned by the Texas State Railroad. The Company shall, at its own expense, subject to the approval of the Managers, designate and supervise the work done by such convicts on the said State Railroad, but it is expressly understood that the labor of such convicts is in no way sold or contracted to the Company, and that said convicts shall at all times be and remain under and subject to the exclusive jurisdiction, control, care and management of the Board of Prison Commissioners of the State of Texas, as provided by law with respect to the Prison System of the State, and shall at all times be in the care and custody of guards qualified and appointed as provided by law. The Company shall be at no expense to house, feed and guard said convicts, and no claim shall ever be made against the Company for any wage or other charge for or on account of the use of said convicts or guards.

#### Article Four.

In determining the amount of net railway operating income as provided in Article Two hereof, the Company agrees that the income account and the expense account shall be kept in accordance with the rules and regulations prescribed for steam

railroads by the Interstate Commerce Commission, and where not inconsistent with those prescribed by the Interstate Commerce Commission, by the Railroad Commission of the State of Texas; and the net railway operating income of the properties shall be determined accordingly, provided that expenditures for betterment of said State Railroad which may be necessary in the opinion of the Company shall, for the purpose of this agreement, be treated and considered as operating expenses.

Per diem accruing, under the National Per Diem Rules Agreement, on cars while on the Texas State Railroad shall be charged to expense of operation of the Texas State Railroad properties. Depreciation and unlocated repairs to equipment used jointly will be charged to the Texas State Railroad, on basis of relative miles run by locomotives, passenger, freight and other equipment on the Texas State Railroad and the Texas & New Orleans Railroad Company. If any taxes shall be assessed against the property of the Texas State Railroad the same shall be paid for by the Company and treated and considered a part of the operating expenses of said State Railroad.

The Company agrees, however, that in determining operating revenue, there shall be credited to the Managers no division lower than the present basis of division to the Texas State Railroad, and on traffic not presently covered by division sheets, that may hereafter arise or move, the relative proportion of divisions shall not be lower than the divisions which now obtain. The State Railroad shall be credited with its due part of the revenue from all traffic originating at and destined to points on its own line at Rusk, and the present divisions of traffic of the Company into and from Rusk shall be continued, provided, however, that the foregoing shall not apply with respect to business originating at or destined to Rusk, on which said State Railroad now receives no allowance or division.

The station at Rusk has been and during the term of this contract shall continue to be jointly operated. Operating expenses on the State Railroad shall, during the term hereof be charged with its due proportion of the cost of operating, and maintaining said station. Such operating

and maintenance charge shall be prorated on the basis of the relative number of pounds of carload and less-than-carload freight received at and forwarded from said station during each calendar month.

The Company shall not charge to expense of operations of the Texas State Railroad properties any portion of the Company's overhead expenses or general expenses, or the expenses of general office or general officers, their clerks or attendants, or any other officers or their clerks or attendants above the grade of division superintendent. It shall only charge to the expense of the Texas State Railroad its proportionate part of the salary and expenses of the division superintendent and others below him in rank connected with and actively and actually engaged in the operation or maintenance of said properties. The salaries, wages, costs and expenses of all officers and employes including and below the rank of division superintendent, and all train and engine crews and other persons operating in part upon the line of the Company and in part upon the properties of the Texas State Railroads, shall be prorated on a train mileage basis between the two and so charged to the operating account of the Texas State Railroad.

The foregoing paragraph includes the entire Division organization of the Company, except its train dispatchers at Houston, who are hereby expressly excluded.

The Managers shall be furnished within thirty days after the end of each calendar month with a full report of the net railway operating income and expenses for such month, and the same shall be subject to being checked by such person as the Managers may designate for that purpose, and the person so designated shall be given full, free, and unrestricted access to the books, papers, accounts and contracts of the Company, having any relation to the business done by it upon the properties of the Texas State Railroad. Whenever any such report shall be made, if, under the terms of this contract any amount of money shall be owing to the Managers, payment of such amount shall accompany said report. The Company however shall have the right to charge the earnings of any month or months which show a net railway operating

income against the deficit of any previous month or months until such deficit has been satisfied, except as otherwise provided in this contract.

Neither the State of Texas nor the Managers shall be liable for any damage, loss or injury to persons or property that may in any way result from the use of said railroad properties by said company, or its wrong or negligence, during the continuance of this contract; and full responsibility for same is assumed and shall be met by said company; provided, however, that said company may take such damage, loss or injury and claims and judgments paid by it in settlement thereof, into account in arriving at the net railway operating income under this contract.

Suitable reserve by the company may be created currently and set up in the accounts to cover liabilities of operation. At the termination of this contract, any reserve funds so accumulated will, after settlement of all liabilities for which the reserve was created, be divided equally between the Managers and the company.

It is distinctly understood that neither the State of Texas nor the Board of Managers shall be charged at any time with any deficit for operation or maintenance of said property, nor on account of any expense whatsoever in connection with said property arising from any cause whatsoever. All deficits shall be borne by the company except to the extent that it may be reimbursed by monthly earnings as above provided.

#### Article Five.

It is agreed and understood that the Managers will not grant to any other person, firm or corporation, or association of persons, the right to operate trains over the Texas State Railroad. If for any reason under special conditions the Managers shall desire to operate a train or an engine or cars over said property or any part thereof, for the purpose of inspection, the Managers shall have that privilege, at their own cost and expense, and wholly at their own risk, but without any payment therefor and without being charged with any part of the cost of maintenance or other charge in connection with said properties. The Company will furnish free to the Managers and to such persons as they may designate for that purpose, such transportation as

may be reasonably necessary for the purpose of inspecting said properties of the Texas State Railroad, and as may not be forbidden by law. The Company shall have no power to grant to any other person, firm or corporation the right to operate trains or engines or cars over said tracks, except in cases of emergencies, in which event, it shall fix the revenue to be derived from such privilege and it shall be accounted a part of the earnings, under this contract.

#### Article Six.

The Managers make no representations as to the conditions of said properties nor any part or portion thereof. The Company shall receive the same upon its own inspection and upon its own responsibility. The Managers are acting herein solely under the Act of the Texas Legislature above referred to, and they shall never be held personally liable for anything whatsoever in connection with the contract, or with the operation of the trains, engines or cars over the properties of the Texas State Railroad by the Company, or by another acting under its authority or with its license, nor from any other matter or thing whatsoever in connection with the operation or use of said State Railroad.

#### Article Seven.

This contract shall not include the use, possession or control by the Company of any locomotives, engines, cars, equipment, rolling stock or tools of any character whatsoever, all of which is expressly retained and reserved by the Managers.

This agreement shall not become operative or binding upon the Managers until same shall have been approved by the Governor of the State of Texas, nor will it be operative or binding upon the Company until it shall have secured such authority therefor and approval by the Interstate Commerce Commission as may be required by law.

IN TESTIMONY WHEREOF, the parties to this instrument have executed it in duplicate as of the day and year first above written.

Board of Managers, Texas State Railroad,

(Sgd.) Lynch Davidson, Chairman;

(Sgd.) E. C. Durham, Member;  
(Sgd.) J. A. Glen, Member.  
Texas & New Orleans Railroad  
Company,

(Sgd.) W. R. Scott.

Attest:

(Sgd.) S. Raymond Brooks, Secretary.

Approved this the 23rd day of  
August, A. D. 1921.

(Sgd.) Pat M. Neff, Governor.

By the Governor:

S. L. Staples,

Secretary of State. (Seal.)

Which said contract is in all things fair and legal and fully authorized by the terms of said Act approved March 12, 1921, the said contract is hereby in all things ratified and confirmed.

Sec. 2. Said Contract provides that the same shall not become operative upon the Board of Managers until the same shall have been approved by the Governor of the State of Texas, nor will it be operative or binding upon the Texas & New Orleans Railroad Company until such Company shall have secured such authority therefor, and approved by the Interstate Commerce Commission as may be required by law; and upon the approval thereof by the Governor of the State of Texas, and the securing of such authority and approval of said Interstate Commerce Commission as may be required by law, the Board of Managers of the Texas State Railroad is hereby fully authorized and empowered to admit said Texas & New Orleans Railroad Company into full possession and enjoyment of the properties of said Texas State Railroad, in accordance with the terms of said contract and agreement hereinabove set out which is hereby in all things fully ratified and confirmed.

Sec. 3. This Act is cumulative of Chapter 26 of the General Laws passed by the Regular Session of the Thirty-seventh Legislature, same being Senate Bill No. 267, approved March 12, 1921, and shall not be taken or construed as in any way repealing or amending said Act or any part thereof.

Sec. 4. The fact that the Texas State Railroad is continually losing for the State large sums of money, and the crowded condition of the calendar and the near approach of the end of the present session creates an emergency and an imperative

public necessity demanding the suspension of the constitutional rule requiring bills to be read on three days in each house, and the same is hereby suspended, and that this Act shall take effect and be enforced from and after its passage, and it is so enacted.

#### Amending the Act Creating the Board of Managers of the State Railroad.

By Fairchild.

S. B. No. 14.

#### A BILL to be entitled

An Act to amend Chapter 26 of the General Laws passed by the Regular Session of the Thirty-seventh Legislature, same being Senate Bill No. 267, approved March 12, 1921, entitled "An Act creating a Board of Managers for the Texas State Railroad, providing for the appointment, prescribing the duties of its members; directing the Prison Commission to transfer possession of the Texas State Railroad and all its property to the Board of Managers herein created, authorizing the Board of Managers to sell or lease the Texas State Railroad, and providing for the disposition of the proceeds; authorizing said Board in the event it cannot sell said railroad to continue to operate and to rehabilitate it, and making an appropriation therefor; providing for reports by said Board; repealing all laws and parts of laws in conflict herewith; and declaring an emergency," by adding thereto two other sections to be known and numbered as Section 3a and Section 7a, so as to provide for the making of any other contracts or agreements with respect to the Texas State Railroad as in the judgment of the Board of Managers may be to the best interest of said railroad, the people and interests to be served thereby, and the State; providing for applying certain proceeds arising on account of said railroad to the payment of certain expenses incurred on account of said railroad and to the payment of interest and principal of certain bonds of said railroad owned by the permanent school fund of this State; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 26 of the General Laws passed by the Regular Session of the Thirty-seventh Legislature, same being Senate Bill No. 267, approved March 12, 1921, be and the same is hereby amended by adding thereto two other sections to be known and numbered as Section 3a and Section 7a, to read as follows:

Section 3a. In addition to the powers otherwise vested in said Board of Managers with respect to the Texas State Railroad, said Board of Managers is hereby authorized and empowered to make and enter into any other contract or contracts, agreement or agreements with respect to said railroad, or any property, right, franchise, privilege, or other matter or thing belonging thereto or constituting any part thereof, and not inconsistent with law, whether of sale, option of sale, trackage agreement, or of any other nature or character whatsoever, as in the judgment of the Board of Managers will be to the best interest of said railroad, the people and interests to be served thereby, and the State.

Section 7a. Any money accruing or arising on account of said railroad, shall be applied in the discharge or payment of such indebtedness, claims or demands as may have accrued or arisen on account of said Texas State Railroad since March 12, 1921, and as may be authorized by law to be paid therefrom, including personal expenses actually and necessarily incurred by any member of the Board of Managers in the discharge of his duties as such, such clerical or other help or employment as in the judgment of the Board of Managers it may be necessary to incur in properly handling, caring for, managing and otherwise transacting any duty or business arising on account of or by reason of said Texas State Railroad, as well as any other cost or expense properly and necessarily incurred by said Board of Managers with respect to the duties enjoined upon it by law concerning said railroad; and should

there at any time be on hand a sum of money which in the judgment of the Board of Managers is in excess of the amount necessary to meet such disbursements, payments or expenditures with respect to said railroad as are authorized by law, said Board of Managers is authorized to apply such excess to the payment of matured interest coupons representing the interest due on the bonds of said railroad that are owned by the public free school fund of this State, and after discharging such interest as may from time to time be due on said bonds, any amount of such excess thereafter remaining on hand may be applied to the payment of said bonds as they have or may mature, such payments to be made by warrants drawn by the Comptroller upon order of the Board of Managers.

Sec. 2. The fact that the present law of this State with respect to the Texas State Railroad is not deemed sufficient to give to the Board of Managers such power and authority as will enable said Board to deal effectively and efficiently with respect to said railroad, and that it is in the interest of said railroad, the people and interests to be served by it, and the State, that the power and authority of said Board of Managers with respect to said railroad be extended and enlarged, and the fact that the present law of this State with respect to said railroad makes no provision for applying any of the proceeds arising on account of said railroad to the payment of interest and principal upon the bonds of said railroad owned by the permanent school fund of this State, otherwise than in the event of the sale of said railroad, creates an emergency and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days in each House, and the said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

